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O F THE
REPRESENTATION
O F
ENGLAND, &c.



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REPRESENTATION

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ENGLAND,

SCOTLAND, AND WALES,

Delivered to the SOCIETY, the FRIENDS of the PEOPLE, associated for
the Purpose of obtaining a PARLIAMENTARY REFORM,

On Saturday the 9th of February, 1793.

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R E P O R T
OF THE
COMMITTEE

Appointed to Report upon the STATE of REPRESENTATION in ENGLAND and WALES.

YOUR COMMITTEE apprehend that they cannot better comply with the intentions of your Society, than by arranging the subject referred to them under distinct Heads, and giving a plain statement of facts unmixed with any argumentative interference, and accompanied by no other observations than such as a due attention to perspicuity may appear to render necessary.

To this line of proceeding your Committee feel more particularly attached, because it carries with it that internal evidence of openness and fair dealing which must conciliate the unprejudiced, even if it were possible it should fail to convince them, and confines the opponents of reform to that issue which sets at defiance all speculation and sophistry, and on which every man is capable of forming a judgment. An unembellished detail of facts must, to be refuted, be invalidated; and for the same reason that it is impregnable if well founded, it is easily shaken if built on falsehood or error. By the very plan of their Report, therefore, your Committee give an unequivocal testimony that they rest their claim to credit solely upon the accuracy of their statements; and they offer a substantial proof that they fear no investigation

into what they advance, by the manner in which they advance it.

YOUR Committee have considered the state of the representation under three general heads:—

FIRST. They have examined into THE REPRESENTATION AS IT EXISTS IN POINT OF FORM;

And herein,

- 1st. *Of the division of the representation, or the proportions in which the different counties of England contribute to the total number of representatives.*
- 2dly. *Of the distribution of elective franchise, or the proportional number of voters by which the different representatives are elected.*
- 3dly. *Of the right of voting, or the various restrictions and limitations under which the privilege of a vote for the choice of a representative is bestowed.*
- 4thly. *Of the qualifications to be possessed by candidates, and those elected—and*
- 5thly. *Of the duration of Parliaments.*

SECONDLY. They have examined into THE MODE IN WHICH ELECTIONS ARE CONDUCTED AND DECIDED;

And herein,

- 1st. *Of the length of time to which polls are protracted, and the causes thereof.*
- 2dly. *Of the expence and inconvenience arising from the distance between the residence of the elector, and the place of election.*
- 3dly. *Of the influence of corporations by the powers intrusted to the returning officers.*
- 4thly. *Of the appeal to the House of Commons under the operations of the Acts, 10th, 11th, 25th, and 28th of Geo. III. as far as the same relate to expence and delay.*

THIRDLY. They have shewn THE MISCHIEF RESULTING FROM THE DEFECTS AND ABUSES POINTED OUT IN THEIR REPORT;

And herein,

Of the system of PRIVATE PATRONAGE, and the influence possessed by Peers and wealthy Commoners,

Commoners, in the nomination of what are called the Representatives of the People.

By this division of the subject your Committee exhibit a view of representation, considered with respect to its competent parts, the mode in which those parts are combined, and the consequences and effects of the whole system.

OF THE REPRESENTATION, AS IT EXISTS IN POINT OF FORM.

YOUR Committee find that the number of representatives is 513 (exclusive of Scotland), and that they are returned to serve in Parliament by the different counties in the following proportions to the gross number:—

40 Counties return 2 each,	- - -	80
12 Counties (Wales) 1 each,	- - -	12
		—92

These Counties, which are classed according to the usual division of England, return Members for the different Cities, Towns, and Boroughs they contain, in the following proportions, *viz.*

Northern Counties.

Northumberland, including Berwick,	-	6
Cumberland,	- - -	4
Westmorland,	- - -	2
Durham,	- - -	2
Yorkshire,	- - -	28
Lancashire,	- - -	12

Northern Counties return, exclusive of County

Members, —54

Middle Counties Westward.

Cheshire,	- - -	2
Derbyshire,	- - -	2
Staffordshire,	- - -	8
Warwickshire,	- - -	4
Worcestershire,	- - -	—
Shropshire,	- - -	10
Herefordshire,	- - -	6
Monmouthshire,	- - -	1
Gloucestershire,	- - -	6

Middle Counties Westward return, exclusive of

County Members, —46

Carry over —192

Middle Counties Eastward.

Brought forward — 192

Oxfordshire,	-	-	-	5
Buckinghamshire,	-	-	-	12
Bedfordshire,	-	-	-	2
Northamptonshire,	-	-	-	7
Nottinghamshire,	-	-	-	6
Rutland,	-	-	-	0
Leicestershire,	-	-	-	2
Lincolnshire,	-	-	-	10
Huntingdonshire,	-	-	-	2

*Middle Counties Eastward return, exclusive of County Members, — 46**Eastern Counties.*

Norfolk,	-	-	-	10
Suffolk,	-	-	-	14
Cambridgeshire,	-	-	-	2
Herefordshire,	-	-	-	4
Middlesex,	-	-	-	6
Essex,	-	-	-	6

*Eastern Counties return, exclusive of County Members, — 42**Western Counties.*

Dorsetshire,	-	-	-	18
Somersetshire,	-	-	-	16
Devonshire,	-	-	-	24
Cornwall,	-	-	-	42

*Western Counties return, exclusive of County Members, — 100**Southern Counties.*

Kent,	-	-	-	8
Sussex,	-	-	-	18
Surrey,	-	-	-	12
Hampshire,	-	-	-	24
Berkshire,	-	-	-	7
Wiltshire,	-	-	-	32
Cinque Ports,	-	-	-	16

*Southern Counties and Cinque Ports return, exclusive of County Members, — 117**12 Counties of Wales return 1 each, exclusive of County Members, — 12**2 Universities, 2 each, — 4*

Total 5137

YOUR Committee, having thus shewn the proportion in which the different counties and divisions of England are represented, will next endeavour to point out *in what proportions the elective franchise is distributed among the body of electors.*

Your Committee have found it impracticable to obtain any accurate account of the total number of electors in England, but they conceive that the necessity for such an account is essentially obviated by the one which they are enabled to lay before you. The following statement, on the general correctness of which they can rely, is conclusive to prove, that, by the partial and unequal manner in which the mass of electors is divided, such a proportion of the 513 representatives is returned to Parliament by a few, as renders it of little consequence by how many the remainder is elected. If three persons be chosen by 30, and two by 4970, though undoubtedly the five are chosen by 5000 still it will hardly be contended that such a distribution of the electors does not effectually take away every advantage of popular representation.

Your Committee find that *two hundred and fifty-seven Members*, being a *majority* of the Commons of England, are elected by *11,075 voters*, or, in other words, by *little more than the 170th part* of the People to be represented, even supposing them to be only *two millions*.

The operation of this defect in the representation cannot however be thoroughly understood, without observing the manner in which the body who return this majority is *sub-divided*; for this purpose your Committee have drawn out the following statement, in order to bring before you in detail, the number of electors by which each of the different Representatives, who constitute a majority of the House of Commons, is chosen; and, with a view to shew all that the representation even pretends to be, your Committee have considered *Burgage* tenures, and other rights of a similar description, as creating *real voters*; the actual number of which they have taken into their calculation, reckoning them as electors having individually a free choice.

A STATEMENT

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The Proportions, in which the Elective Franchise is distributed among that Body of Electors who return the Majority of the 513 Members for England and Wales.

*Places where the right of Voting is in
Burgage and other Tenures of a
similar Description.*

Places where the right of Voting is in Burbage and other Tenures of a similar Description.			Number of Voters.	Number of Voters.	Members.
Appleby	220	2	Castle Rising	50	2
Ashburton	200	2	Christchurch	40	2
Great Bedwin	80	2	Corfe Castle	20	2
Bearlston	100	2	Devizes	30	2
Blechingly	90	2	Droitwich	14	2
Boroughbridge	74	2	Dunwich	40	2
Bramber	36	2	East Looe	10	2
Clitheroe	102	2	Edmondsbury	36	2
Cockermouth	160	2	Gatton	10	2
Downton	20	2	St. Germains	20	2
E. Grinstead	35	2	Grampound	50	2
Heytesbury	50	2	Harwich	31	2
Horsham	60	2	Helston	36	2
Knaresborough	110	2	Haffings	12	2
Malton	200	2	Launceston	30	2
Midhurst	100	2	Liskeard	50	2
Northallerton	200	2	Leftwithiel	24	2
Petersfield	154	2	Lyme Regis	31	2
Richmond	270	2	Lymington	18	2
Rippon	186	2	Malmesbury	13	2
Ryegate	200	2	Marlborough	7	2
Saltaire	38	2	St. Mawes	36	2
Old Sarum	7	2	St. Michael	42	2
Thirsk	50	2	Newport (Hants)	24	2
Weobly	45	2	Newtown (Lancashire)	50	2
Westbury	50	2	Newtown (Hants)	36	2
Electors	2938 ret. 52	—	Orford	20	2
		—	Romney	13	2
		—	Rye	15	2
		—	Scarborough	44	2
		—	Tavistock	50	2

Places where the Number of Voters does not exceed 20.

Albrough (Suffolk)	35	2	Truro	16
Andover	15	2	Wilton	30
Banbury	19	1	Winchelsea	9
Bath	32	2	Wycombe	48
Beaumaris	24	2	Yarmouth (Hants)	13
Bewdley	14	1	Electors	
Bishop's Castle	50	2	1449 rt. 100	
Bodmyn	36	2	Places where the Number of Voters not exceed 100.	
Boffinney	20	2	Agmondestham	70
Brackley	33	2	Aldborough (Yorkshire)	57
Buckingham	13	2	Callington	62
Calne	34	2	Dartmouth	98
Camelford	19	2		

*Places where the Number of Voters does
not exceed 100.*

Agmondeham	70
Aldborough (Yorkshire)	57
Callington	62
Dartmouth	98

Walt

Number of Voters. Members		
West Looe	70	2
Fowey	63	2
Great Grimsby	75	2
Haltemere	60	2
Higham Ferrers	84	2
Hythe	96	2
Montgomery	80	1
Newport (Cornwall)	62	2
Oakhampton	96	2
Poole	100	2
Portsmouth	60	2
Salisbury	54	2
Seaford	82	2
Steyning	100	2
Stockbridge	102	2
Totness	80	2
Tregony	60	2
Wenlock	100	2
Whitchurch	70	2

Electors 1781 rt. 45

Number of Voters. Members		
Ilchester	150	2
St. Ives	180	2
Ludgershall	110	2
Minehead	160	2
Milbourea Port	114	2
Morpeth	200	2
Penryn	140	2
Plymouth	160	2
Plympton	104	2
Queensborough	131	2
Reiford	112	2
Wallingford	140	2
Wareham	150	2
Wendover	120	2
Woodstock	200	2
Wootton Bassett	160	2
Winchester	110	2

Electors 4461 rt. 56

Places where the Number of Voters does not exceed 200.

Places where the Number of Voters does not exceed 200.		
Arundel	190	2
Boston	200	2
Bridport	180	2
Chippingham	140	2
Cambridge	200	2
Dorchester	200	2
Eye	200	2
Guildford	120	2
Heydon	190	2
Hindon	200	2
Huntingdon	200	2

Places where the Number of Voters does not exceed 300.

Places where the Number of Voters does not exceed 300.		
Marlow	216	2
Bridgewater	230	2

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A B S T R A C T.

	elect	
2,938	52	
1,449	—	100
1,781	—	45
4,461	—	56
446	—	4

11,075 return 257

Note. The general accuracy of this statement your Committee are satisfied may be relied upon. They do not pretend to state that the number of voters in every separate borough is exactly ascertained, but they are persuaded that they are rightly *classified*; that is, that those places set down in the second class have not more than 50; in the third class not more than 100; and so of the rest. The difficulty of giving the exact number will at once appear, when it is recollect that in most of the boroughs here mentioned, there have been no contests for many years. Your Committee have, however, procured the best intelligence in their power.

YOUR COMMITTEE will now call your attention to the various rights of voting which are exercised in the different places returning members to Parliament.

They find that the members for the 52 counties are all elected by one uniform right. Every man throughout England, possessed of 40 shillings per annum freehold, excepting in certain cities and towns having peculiar jurisdictions, is entitled to a vote for the county in which such freehold is situated.

With respect to the different cities, towns, and boroughs, they exercise a variety of separate and distinct rights, scarcely capable of being classed in any methodical order, and still less of being ascertained by the application of any fixed principle. In the greater part of them indeed the right of voting appears to be vested in the *freemen of bodies corporate*, but under this general description, an infinite diversity of peculiar customs is to be found. In some places the number of voters is limited to a select body not exceeding 30 or 40; in others it is extended to 8, or 10,000. In some places the freeman must be a resident inhabitant to entitle him to vote; in others his presence is only required at an election. The right to the freedom is also different in different boroughs, and may, according to the peculiar usage, be obtained by birth, servitude, marriage, redemption, &c. &c.

The remaining rights of voting are of a still more complicated description. Burgageholds, leaseholds, and freeholds,—scot and lot, inhabitants householders, inhabitants at large, potwallopers, and commonalty, each in different Boroughs prevail, and create endless misunderstandings and litigation, from the difficulty which is daily found to arise in defining and settling the legal import of those numerous distinction, which, in some places, commit the choice of two members to as many inhabitants as every house can contain; in others, to the possessor of a spot of ground where neither houses nor inhabitants have been seen for years, and which, in a few instances, have even prevented the wisdom of Parliament from finally determining who are entitled to vote, or what the right is*.

* Pomfret, Poole, Westminster, Ludgershall, Newark, and Carlisle, have appeals upon the right of voting, before the House of Commons remaining yet undecided.

A great variety of cases might be quoted to shew the inconvenience arising from the present complicated rights of voting; that of *Salisbury* in particular is too curious to be unnoticed. Since the year 1772, it has oc-

Your Committee have not entered to any detail of the different rights of voting, because it would have extended their report to a very tedious, and, in their opinion, a very unnecessary length; they cannot however pass over this part of their enquiry without calling your attention to the following facts, conceiving that the manner in which the voice of the people is at present collected, cannot be placed in a stronger point of view by stating those who are, than by describing some of those who are not entitled to vote.

A man possessed of 1000l. per annum, or any greater sum, arising from copyhold, leasehold for 99 years, trade, property in the national funds, or even freehold in the city of London, and many other cities and towns having peculiar jurisdiction, is not thereby entitled to vote.*

Religious opinions create an incapacity to exercise the Elective Franchise. All Catholics are excluded generally, and by the operation of the Test Laws, Protestant Dissenters are deprived of a voice in the election of Representatives in about thirty boroughs, where the right of voting is confined to the corporate officers alone.

A man paying taxes to any amount, how great soever, for his domestic establishment, does not obtain a right to vote unless his residence be in some borough where that right is vested in the inhabitants. To ascertain how far this exception applies, your Committee have carefully examined into the number of boroughs in which the elective franchise is committed to the inhabitants, and they find them to be 60, of which 28 contain less than 300 voters. Your Committee must here add, that it appears by a return

cupied the attention of no less than five Committees, and is still open to dispute. In 1785, the right was determined to be in the corporation, and the candidates returned by them were declared to be duly elected. One of these gentlemen having vacated his seat, a new election brought the question again before the House, when the right was determined to be in the burgage holders, and the seat given accordingly. By these contradictory decisions two gentlemen voted in Parliament for three years, each of them denying the pretensions of the other, and the House of Commons having at different times decided against the right of both.

For a competent knowledge of the various rights of voting, see the Reports of Messrs. *Douglas, Luders, Phillips, and Frazer*, where, in nine volumes, much light is thrown upon the subject.

* At *Kingston upon Hull*, for instance, the number of freeholders, thus excluded, is stated to amount to 500.

made

made to Parliament, from the Tax-office, in 1785, that the number of houses paying taxes was 714,911.

SUCH appears to be the nature of the principal qualifications, and restrictions under which the right of voting is bestowed or withheld; it next remains to be shewn who may legally be chosen as the representative.

Your Committee find a variety of disabilities created by different statutes, or the custom of Parliament. By these, minors, papists, aliens, clergymen in priest's orders, sheriffs, and other returning officers in their respective jurisdictions, persons concerned in the management of certain duties, or possessing certain offices, contractors, and persons holding pensions during pleasure, are incapacitated to sit in the House of Commons. Beside these disqualifications, there is also another most material one, by which the Electors are precluded from making choice of any man not possessed of property *in land*. By the 9th. Anne, c. 5. every Candidate, if required, must take an oath that he has a clear estate of freehold or * coyphold, to the value of 600l. per annum in the case of the Knight of a Shire, and 300l. in the case of a Citizen or Burges; and the oath must be renewed when the member takes his seat. The only exception is in favour of the representatives of the two Universities, and the eldest sons or heirs apparent of peers, and persons possessing 600l. per ann. from whom no qualification is required.

WITH respect to the duration of Parliaments, your Committee find, that by an act passed in the year 1694, (or soon after the Revolution), it was declared, that, "By the ancient laws and statutes of this kingdom, frequent parliaments ought to be held, and that frequent and new Parliaments tend very much to the happy union and good agreement of the King and People," and therefore it was enacted, "that no parliament should last longer than for three years."

In the first year of the reign of Geo. I. (or 1715) the Parliament, which was thus elected for three years, determined that it would be more convenient to hold their seats for seven, and by a law at that time passed, and still unrepealed, such at present is the legal term, before the

* A Copyhold qualifies to represent, but not to elect.

expiration

expiration of which the people cannot revoke their trust, be the conduct of their representatives what it may. The royal prerogatives gives however to the King a better security for the good behaviour of the Commons toward the Crown, by enabling him to dissolve the Parliament at any hour which to his Ministers shall seem proper.

OF THE MODE OF CONDUCTING ELECTIONS.

YOUR COMMITTEE having reported upon the various heads which the first division of their enquiry presented to them, and having, in so doing, laid before you what may be called the constituent parts of election, (namely, the places entitled to send representatives, who are qualified to choose, and who to be chosen) come next to examine in what manner those different rights are brought into action, and to state to you, *the mode in which Elections are conducted.*

Your Committee find that election proceedings are carried on with extreme inconvenience to the electors, and excessive expence to the candidates. The two evils are however so intimately blended, and depend so much upon each other, that, from an idea that a separate and distinct discussion, of them would only lead to tiresome repetition, and unnecessary detail, it has been thought most advisable, to consider them both under one head.

The first defect in the system established for collecting the opinions of the People, to which your Committee will request your attention, is, that the *Poll*, whether the voters consist of 10, or 10,000, and whether the right of voting be in inhabitants resident, or in freemen, or freeholders dispersed throughout the county, is *only taken in one fixed place**. A freeholder of *Cornwall* living in

* Except in *Hampshire*, where, for "the ease of the inhabitants," the Sheriff has a power of removing the Poll to the Isle of Wight. 7 & 8 W. 3. c. 25. s. 10.

Northumberland, must forego the exercise of his franchise, or travel to *Leith* with *bel*! and a freeman of *Berwick* residing at *Falmouth*, can only be heard as an Elector after a journey of 400 miles.

As these may be called extreme cases, and your Committee are above all things anxious to confine themselves within the limits of strict fact and practice, they conceive it necessary to enter into some detail on this subject.

In county elections it frequently happens that the freeholder, living in the county itself, must go 40, 50, or 60 miles before he can be admitted to poll; but these are trifling journeys compared to what must be taken by those who, being freemen of one city or town, reside in another. Your Committee have thought they could not furnish better information respecting this inconvenience, than by consulting and making extracts from a certain number of those poll books, which are printed at different Boroughs by authority of the returning officer, and which distinguish the number of *resident* from *non-resident* freemen. From these it appears that, at the following places, the proportion at the last contests stood thus:

	Residents	Fr.	Lon.	Fro.	the Co. in.	Tot.
<i>Canterbury</i>	-	832	153	354	1339	
<i>Coventry</i>	-	1891	356	278	2525	
<i>Bedford</i>	-	919	187	332	1438	
<i>Lincoln</i>	-	428	126	406	960	
<i>Newcastle</i> (Nor. <i>humberland</i>)	1148	208	889		2245	
<i>Bristol</i>	-	3957	663	1429	6049	
<i>Colchester</i>	-	528	227	525	1280	
<i>Lancaster</i>	-	657	144	1481	2182	

From the above, which are selected from a great variety of similar instances, to give a general idea of the subject, it appears, that in many places the non-resident are nearly equal to the resident voters, and in some places actually out number them.

Your Committee have not thought it necessary to state more than two classes of non-residents, viz. those from *London*, and those from the country generally. The variety of distances from which the latter are brought, would, if here set down, extend this Report to too great length, but the curious may easily satisfy themselves by a reference to the printed poll-books. Your Committee conceive they give an average sufficiently correct, when they take the

the distance which the country voters have, one with another, to travel, to be, for each place, *a fourth part* of the distance which such place is from London. Thus the non-resident country voters for Bristol, it is to be assumed reside 30 miles from the place of poll, those living in London not being nearer than 120 miles.

On enquiry among those agents who have been in the habit of managing the conveyance of voters from one place to another, such accounts have been received of the extravagant expence attending this part of an election as would, if here set down, subject your Committee to the imputation of having exaggerated in their statement. For instance, every voter at *Newcastle upon Tyne*, coming from London, is said to cost 30l.; at *Exeter* 20l.; at *Bristol* 15l.; at *Colchester* 10l. The reasons assigned for such exorbitant charges are, that the greater part of the freemen are tradesmen, or mechanics, who cannot be supposed to travel great distances, merely for the sake of giving a vote; that they are to be enticed from home, if not by direct bribery, atleast by the inducement of pleasant conveyance, good accommodations, and reasonable satisfaction, if not some thing more, for their trouble and loss of time; and that, when a candidate undertakes to pay the travelling expences of a man who is to confer a favour upon him at the end of the journey, it can not be expected that he will venture to scrutinize too closely into the expedition with which he proceeds, or the length of the bills he incurs on the road.

What effect this reasoning may have on the minds of those who are not conversant in Elections, your Committee know not; but the accuracy of the following *Estimate*, which, for the better understanding the extent of the expence in question, they have thought it proper to lay before you, will not, they persuade themselves, be controverted, except for the purpose of adding to the amount.

Estimate of the least Expence of conveying a Voter from the Place of his Residence to the Place of the Poll.

Sixpence per mile—cost of conveyance.

Seven shillings and Sixpence per day—cost of maintenance.

Ten shillings and Sixpence per day—for loss of time and trouble.

This

This * last charge is calculated from the sum which, on an average, is paid on the same account to witnesses from the country attending Election Committees in the House of Commons.

According to this estimate it appears, that

<i>A voter taken 50 miles to poll, will cost,</i>	
For conveyance out and home	- £ 2 10 0
For three days maintenance	- 1 2 6
For three days loss of time and trouble	- 1 11 6
	<hr/>
	£ 5 4 0

<i>A voter taken 250 miles to poll, will cost,</i>	
For conveyance out and home	- £ 12 10 0
For seven days maintenance	- 2 12 6
For seven days loss of time and trouble	- 3 13 6
	<hr/>
	£ 18 16 0

In the above, your Committee have supposed that the voter spends only *one clear day* at the place of election; but they must observe, that, from every information they have been able to collect, his stay there is generally much longer.

With respect to the expedition with which the voter travels, it is impossible to lay down any fixed rule as to the number of miles to be travelled in one day; but your Committee apprehend, they may be fairly stated to be from 50 to 90, according to the distance of the entire journey. A voter, for instance, would be a day in going from London to Canterbury (56 miles) and probably not more in going to Coventry (91 miles); and in such journeys as from London to Newcastle (273 miles) he might continue to travel at the rate of 80 or 90.

If any credit be given to the accuracy of these estimates, it will be easy, with the assistance of the preceding extracts from the printed poll-books, to form an idea what

* It is true, that in the strictness of law, the voter is not entitled to be paid his loss of time and trouble, but the practice of doing it has become so general, and the propriety of it so universally assented to, that it is now notoriously insisted upon by all voters, and necessarily complied with by all candidates.

old and new
the

the expence of bringing non-resident voters to poll must be in places where the electors are numerous.—Thus,

At Colchester.—The voters resident in London, being 227, to be brought 50 miles to poll, must, if absent 3 days, cost at least 5 <i>l.</i> 4 <i>s.</i> each, or altogether, - - -	<i>l.</i> 1180
At Coventry.—The voters resident in London, being 356, to be brought 90 miles, supposing them only to be out 3 days, cost 7 <i>l.</i> 4 <i>s.</i> each, or altogether, - - -	<i>l.</i> 2563
At Newcastle-upon-Tyne.—The voters resident in London, being 208, to be brought 274 miles, must, supposing them to be absent from home 7 days, cost at least 20 <i>l.</i> each, or altogether, - - -	<i>l.</i> 4160
At Bristol.—The voters resident in London being 663, to be brought 120 miles, even supposing them only to be out 4 days, must cost at least 9 <i>l.</i> 12 <i>s.</i> each, or altogether, - - - - -	<i>l.</i> 6364

The non-resident voters coming from the different parts of the country, your Committee have before proposed to consider as travelling one quarter of the distance which the place of election is from London; but as it would be difficult to lay down any fixed rule by which to estimate the length of time the country voters are absent from home, they will leave every person to form his own calculation on this branch of expence. The truth is, that where the distance is under 25 miles, some voters will go and return in one day, whereas, others where the distance is above 10 miles, will make their polling a business of two days. Much depends on the voter's character and occupation. If, however, the country voters belonging to Bristol were to be estimated as costing only 2*l.* 8*s.* each (that is reckoning them to be absent only one day,) they would altogether be a charge upon the candidates of 3,429*l.*; which, added to the expence of London voters, would make *the total amount to be defrayed, for non-resident electors 9,793*l.**

This evil of the voters residing at a place distant from the poll has also another effect, namely, the rendering nugatory an act passed to prevent giving meat and liquor at elections.

elections. Custom has sanctioned the propriety of opening public houses for the reception of voters from the country, and it may easily be conceived how impossible it must be, during the tumult of an election, to distinguish one description of electors from another ; the consequence is, that the resident freemen are equally with the non-residents admitted to participate in the distribution of liquor, and that the whole town is a scene of drunkenness and confusion, to the great inconvenience of the inhabitants, and the intolerable expence of the candidates.

Your Committee know not in what way they can bring before you any exact detail of the various other expences to which candidates are liable. A heavy charge is incurred from the fees payable on the admission of free-men having an inchoate right ; that is, a right acquired, but not claimed, and which, as it is to be exercised for the benefit of the candidate, is so generally taken up at his expence, that from custom it is never considered as an act of bribery. These fees vary much, and amount from five shillings to five guineas for each admission. The numerous points of law which arise in the course of every contest, make it necessary for the parties to have the assistance of counsel, and solicitors ; the manœuvres which attend all polls, conducted upon a system of such intricacy as they are at this day, require the exertions of many vigilant agents ; the very cockades form an indispensable and heavy cost in an election ; nor can any candidate, speaking generally, flatter himself with much hope of success, unless his liberality and contempt of economy keep equal pace with the extravagance of his competitor. All these however are evils which those, who have never been concerned in elections, cannot perhaps be made to feel, and which to those, who are conversant in them, will appear much under-rated. Your Committee proceed in their report of those inconveniences which admit of direct proof, and the next to which they must turn is—

The extreme length to which Polls are protracted.

It has been shewn that be the number of voters what it may, the poll is to be taken in one fixed place ;—it is now to be seen how long that place is liable to be exposed

to

to the dreadful tumult, disorders, and outrages which are but too well known to attend election contests.

By an act passed in the 25th Geo. 3. c. 84. (1785) for "the better regulation of polls and scrutinies," the continuance of polls is authorized to last during fifteen days.

Of the reasons which induced the Legislature to acknowledge the propriety of so very tedious a proceeding, your Committee can give no account, but they will endeavour to explain the nature of the methods practised to fill up the number of days thus liberally allowed. They must not however here omit to remark, that by the 11th Geo. 1. c. 18. (unrepealed by the statute above quoted) the poll for the city of London must be closed within seven days from its commencement; a limitation the more extraordinary, as the voters in the city of London amount to a number not exceeded by any place in England, except Westminster.

If a candidate wish to procrastinate, he has several ways open to him by which he may protract the poll to the utmost extent of its legal limits.

He may direct his friend to vote one by one as slowly as possible. By a custom, which from practice has obtained the force of a law, a poll cannot be closed unless no vote be tendered within a reasonable time after the returning officer has made three proclamations. By having a vote therefore ready to tender after every second proclamation, a candidate may continue to protract the business of the poll to such a length as may tend to the infinite vexation and expence of his antagonist.

But should it happen that he, whose interest it is to delay, has not friends enough at hand to *feed the poll*, (as it is called) in the above manner, the law provides him with another mode of carrying his point. He may require all the *oaths* to be actually administered, which certain statutes authorize him to insist upon. These are in number no less than six, viz. the oath of *Allegiance*, the oath of *Supremacy*, the *Bribery Oath*, the oath of *Residence*, the *Declaration of Test*, and the oath of *Abjuration*. The act of giving a single vote may thus be converted into a tedious and troublesome operation.

Should neither of the beforementioned expedients be thought sufficient, there still remains a never-failing source of procrastination in the complicated and ill-ascertained

tained qualifications and disqualifications of electors. Dull indeed must be the counsel who attend an election, if in the way of objection or reply they cannot contrive to lengthen the proceedings to the utmost extent of their client's wishes.

YOUR COMMITTEE come now to speak of *the power entrusted to the returning officer*, and which, in fact, in all corporate towns, is the power of the select body who choose him.

Of the various means of influence and corruption thrown into the hands of these select bodies by the present system of elections, your Committee could speak largely did they not fear the detail would be too extensive for the limits of their report. They therefore make no comments upon the number of civic honours, and employments, with which these formidable bodies can tempt the ambition, or the interests of the opulent; they forbear to observe upon the controul they obtain over the lower class of people, by the terrors of their magisterial authority; they say nothing of the influence derived from the power of granting or refusing licenses, from the discretion with which they are frequently invested in the distribution of public charities, or the weight they possess from the appointment of parish officers, and the superintendance of poor rates, and parochial assessments; —your Committee in this place will only call your attention to the power they enjoy through the medium of *the returning officer*.

The returning officer is vested with the entire and uncontrouled superintendance of whatever relates to the conduct of an Election. He is entrusted with absolute authority from the hour of his receiving the precept, to the hour in which he makes his return; for the law reposes the most unbounded confidence in his wisdom and his honesty, as will be seen by the following statement of the various discretionary powers committed to him.

When he receives the precept from the sheriff, he is to make proclamation of the day of election; and *this he may*, without assigning any reason for so doing, *bring on either on the 5th, 6th, 7th, or 8th day*, as to him may seem good to enlarge or curtail the notice. A variety of cases may readily be conceived in which this power of expediting

diting or protracting might be of infinite importance to the interests of the candidates, but your Committee will only mention two, viz. Where freemen have been made by redemption or purchase, and want a few days to complete the twelve months, before the expiration of which, they cannot legally vote; or, where the right being in inhabitants householders, or persons paying scot and lot, some of them have not finished the six months residence which the statute requires as necessary to constitute an inhabitant.

When the day of election is fixed, *the returning officer is to appoint the poll clerks*; and the encreasing or reducing the number of these, tends, in populous places, materially to expedite or retard the proceedings.

During the time of the election, *the returning officer has the peace of the borough under his care*, and he may, at his discretion, create as many assistant constables as he may choose to think there is occasion for;—these he will scarcely select but from among those who are in the same interest with himself.

But though he is thus empowered to provide for the preservation of the peace, *the existence of tumults and riots gives him a fresh opportunity of exercising his discretion*. By the 25 of Geo. III. it is enacted, that the poll must be kept open a certain number of hours in every day, “unless prevented by *any unavoidable accident*.” What is “an unavoidable accident,” the returning officer is to decide; so that the whole operation of this provision of the law is left to his discretion. Particularly it rests with him to determine, in the event of any disturbance, whether it require an adjournment, and for *how long*.

But the great source from which a returning officer derives his consequence and power, remains yet to be stated.

Hitherto your Committee have only spoken of duties which require no more than honest intentions to discharge properly;—they now come to consider a trust reposed in him, for the due execution of which not only integrity, but peculiar discernment, penetration, and legal ability are absolutely necessary.

The extreme importance annexed to the proper discharge of the duties of which your Committee are now about to speak, cannot be better explained than by examining

mining into the precautions taken by the legislature on another occasion of precisely the same nature.

A trial of the merits of an election before a Committee of the House of Commons, is no more than *a repetition of the trial had before the returning officer* at the time of the poll. The points in discussion are the same; and the regulations thought necessary by Parliament for the investigation of them upon the appeal, abundantly prove the intricacies in which the present system of election laws are involved, and the strong temptations to which the judgments of those who are to decide, are virtually acknowledged to be exposed.

To enquire into the merits of a petition complaining of an undue return of a member to serve in Parliament, when the question is brought before the House of Commons, it is thought necessary to secure impartiality by choosing a jury of thirteen by ballot; and to prevent the inconvenience that would arise if the lot should fall on thirteen gentlemen, unaccustomed to judicial proceedings, the Parties are permitted to nominate two more, who are added to them.

With such caution is it thought necessary to constitute the Court, which, *upon the appeal*, is to enquire into the disputed rights of voting, the qualifications, and disqualifications of electors, and the various legal distinctions which arise from the operation of so extensive a body of statutes as those relative to elections. The Committee so appointed have also full power to send for persons, papers, and records, and to examine witnesses upon oath.

At the Election itself the same trust is committed to *one man*, who, though originally only a *ministerial officer*, is vested with equal authority to decide, but left to form that decision from the mere assertions of partial witnesses not speaking upon oath, and to oppose whose testimony, whatever he may suspect, or either party demand, he can neither compel the attendance of persons, nor the production of written evidence. All disputable points of law which arise in the course of an Election, are submitted to his *sole determination*. *He* is to settle what shall or shall not be received as evidence, and arbitrarily to decide upon all doubtful votes which he may admit, or reject at his pleasure. In a word, to his *uncontrololed judgment*, and to the *purity of his motives* in the exercise of

it, the House of Commons looks for the legal and true Representative of the People.

The magnitude of the trust, and the corrupt practices of which those who possess it are to be suspected, your Committee apprehend they have sufficiently shewn, by stating *the jealousy with which the Legislature delegates it to its own Members.* Why they should display so much less anxiety for wisdom and integrity in the taking of the original poll than in its revision, your Committee do not presume to guess, but a due attention to facts compels them to assert, that it cannot be from any reasonable prepossession in favour of Returning Officers, because your Committee must report them to be, very frequently *notoriously illiterate and needy*; very generally *avowed partizans of one of the candidates*; and almost always *appointed by intrigue or cabal.* Of the numerous petitions presented to Parliament, there is scarcely one but what contains some charge against them either for *partiality or corruption*; and of the various mal-practices in which they have been detected, and of the multitude of offences of which they have been convicted, let the Journals of Parliament, from the first volume to the last, bear testimony.

YOUR COMMITTEE having thus explained the manner in which Elections are conducted, come now to state *the nature of the remedy provided by the Legislature, in all cases where the propriety of the Return is disputed.*

There are various Statutes existing, upon which actions may be brought against Returning Officers wilfully neglecting their duty, or making false returns; but as these only give damages, and do not affect the seat in Parliament, your Committee conceive it unnecessary here to recapitulate them, and therefore proceed immediately to the very celebrated remedy introduced in the 10th year of his Majesty's Reign, and commonly known by the name of *Mr. Grenville's Act.*

The operation of this appeal, of late years so much extolled, your Committee are under the painful necessity of declaring to be a source of *vexatious delay and intolerable expence*; and they call the following facts to confirm their assertion.

The last General Election took place in the month of June 1790, and the Petitions presented to Parliament, complaining of undue Returns, were in Number

39*; of these twenty-one were decided *within twelve months*; nine more *within two years*, and the opening of the year 1793 has seen the House of Commons with difficulty procure Committees to proceed upon the complaints of the remainder. It is to be observed, that the persons returned, *exercise*, till the Petitions against them are brought to a hearing, *every privilege of a Member of Parliament*; and it has happened, that men have sat in the House, and voted during the two last Sessions of the present Parliament, without, as it has afterwards appeared, having had any pretensions whatever, beyond the good wishes of a pliant Returning Officer. The event of the Petitions, now depending, may possibly shew, that some even fit three Sessions (or *one half of the usual duration of a Parliament's existence*) with as little right on their side.

Such is the manner in which the House of Commons postpones the decision of the Appeals brought before it. When at last the suitors have the fortune to procure a hearing, the length to which the proceedings are protracted exceeds all bounds. The Court can only spare time to sit five hours in each day, and the number of days which may be consumed in the trial of a Petition, will appear from the following account of the duration of some of those which have been tried within these last ten years †.

Committee appointed. Report made. Trial lasted Days.			
1784 Downton	17th Jan.	19th July	- 32
1784 Ivelchester	29 June	21st July	- 22
1785 Bedford county	18th March	19th May	- 62
1785 Cricklade	14th Feb.	4th April	- 49
1785 Downton	17th Feb.	9th March	- 20
1785 Penryn	24th Feb.	18th March	- 22
1785 Southwark	3d March	4th April	- 32
1786 Seaford	22d Feb.	13th March	- 19
1787 Norwich	15th Feb.	9th March	- 22
1789 Colchester	26th Feb.	6th April	- 39
1789 Westminster	3d April	6th July	- 95
1791 Carlisle	25th Feb.	14th March	- 17
1791 Exeter	4th March	23d March	- 19
1791 Ludgershall	29th Mar.	14th April	- 17
1791 Oakhampton	3d Feb.	28th Feb.	- 25

* See the Votes of the House of Commons.

1791 Fowey

1791 Fowey	8th Feb.	7th March	-	27
1791 Steyning	15th Feb.	7th March	-	20
1791 Downton	7th April	17th May	-	40
1791 Newcastle (Staff.)	23d Feb.	21st March	-	26
1792 Horsham	16th Feb.	10th March	-	22
1792 Steyning	13th Mar.	5th April	-	23
1792 Seaford	28th Feb.	19th March	-	19
1792 Cirencester	5th Mar.	10th May	-	66

YOUR COMMITTEE having thus shewn the *delay* and *inconvenience* to which they who apply for redress to the House of Commons, are exposed, have only to state the *expence* to which they are likewise subjected, in order that a thorough knowledge may be had of the situation in which Petitioners are placed, who appeal from the decision of the returning officer.

Your Committee might lay before you numerous accounts, and those perfectly authentic, of the enormous sums expended by parties having petitions tried before the House of Commons, but, always preferring to quote those facts which are easiest to be proved, they will only avail themselves of the particular cases where the charges have been recorded.

By the 28th Geo. III. where petitions are reported to have been frivolous and vexatious, *taxed costs are allowed*; by referring therefore to those petitions which have been so reported, your Committee are enabled, from authority, to give a general idea of the expences attending an appeal to the House of Commons. They only beg it may be remembered, that the amounts stated underneath, are the *taxed*, and not the *real* costs, which they understand to have been nearly double, and that they are the charges defrayed by only *one* of the parties.

The hearing of the petition for *Barnsley* lasted 8 days—taxed costs

1791 Westminster	2 days	-	-	396
1791 Colchester	2 days	-	-	460
1791 Lauder	2 days	-	-	240
1791 Orkney	3 days	-	-	198
1791 Bodmin	1 day	-	-	-

YOUR COMMITTEE will sum up all that has been said respecting the mode of conducting elections, and the operations of Mr. Grenville's acts, by a plain narrative of the progress of two recent contests. The first at *Seaford*, where

where the number of voters is less than 90; the second at Westminster, the most populous borough in England.

At Seaford, the object of one of the candidates was to protract the election till twenty-six of his friends had completed the six months residence, which the law requires to constitute inhabitancy, and of which term, when the dissolution of Parliament took place in June 1790, seventeen days were wanting.

The means adopted on the occasion to obviate this difficulty, were attended with success. The returning officer was cautious, and patient. Exercising his discretionary power to the utmost extent, he did not bring on the election till the eighth day* after receiving the precept, and the remaining nine days were consumed in pursuing the methods mentioned in the former part of this Report. The qualifications and disqualifications of the voters were canvassed at full length, and their principles and purity examined by the test of every oath which the law has at any period invented against Popery, bribery, &c.—The Counsel argued, the returning officer doubted, the candidate harangued, and the electors swore, till the necessary number of days were past, which qualified the twenty-six new inhabitants to vote. The poll then closed, and the candidate, whose interest it had been to procrastinate, carried his point, merely by manœuvre and delay.

The losing candidate presented a petition to the House of Commons against this return, but could not obtain a hearing till the 28th of February, 1792. A committee was then appointed, which after sitting nineteen days, reported to the House on the 19th of March, that the member returned was not duly elected, and that his opponent was entitled to the seat—a seat, of which he had been illegally deprived for near two years, because the returning officer required nine days to poll less than ninety votes, and the recovery of which was attended with an expence perfectly incompatible with every idea of free representation.

* In 1784 the returning officer for Seaford chose to be as much expeditious in his proceedings as in 1790 he was too dilatory. He brought on the election on the fourth; the consequence of which was, that it was determined to have been void, and the parties were exposed to the expence of a second contest.

The second case to which your Committee beg your attention, relates to *Westminster*.

The election came on the 18th of July, 1788, and the poll continued 14 days. A petition was presented to Parliament, complaining of an undue return, and it came to a hearing on the 3d of April, 1789.

The Committee continued to sit till the 18th of June, when they came to the following most extraordinary resolutions.

Resolved, "That from the progress which the Committee have hitherto been enabled to make, since the commencement of their proceedings, as well as from an attentive consideration of the different circumstances relating to the cause, a final decision of the business before them cannot take place in the course of the present session, and that NOT IMPROBABLY THE WHOLE OF THE PRESENT PARLIAMENT MAY BE CONSUMED IN A TEDIOUS AND EXPENSIVE LITIGATION.

Resolved, "That from the necessary length of the proceeding, and the approach of a General Election, which must occur not later than Spring 1791, (nearly two years distant) THE PROSECUTION OF THE CAUSE ON THE PART OF THE PETITIONERS PROMISES TO BE FRUITLESS, AS FAR AS IT RESPECTS THE REPRESENTATION OF WESTMINSTER IN THE PRESENT PARLIAMENT.

Resolved, "That it be recommended to the petitioners to withdraw their petition under the special circumstances of the case."

The business, however, proceeded till the 6th of July, when the petitioner was obliged to relinquish his claim, after in vain attempting to bring it to a final issue in the course of a hearing which lasted ABOVE THREE MONTHS.

In all this long period, the only act of the Committee which bore even the appearance of a judicial decision, was a resolution respecting the right of voting in *Westminster*. Against this determination an appeal was presented to the House of Commons on behalf of the electors, in July 1789, and, though regularly renewed in every session, has not yet been favoured with a hearing, notwithstanding it has been before the House above three years. The consequence is, that at this hour the right of voting in *Westminster* remains unsettled, and should another contest take

take place, it would again expose the candidates to a tedious, expensive, and probably fruitless litigation.

YOUR COMMITTEE conceive they cannot better conclude this part of their enquiry than by a short statement of the general results which arise from it;

They therefore report, that it appears,

That, the number of representatiyes assigned to the different counties is grossly disproportioned to their comparative extent, population, and trade.

That, a majority of what are called the representatives of the Commons are returned by the 170th part of the male subjects of England paying taxes, even supposing these only to amount to two millions.

That, the partial distribution of the elective franchise, which subdivides this 170th part into 155 other parts, commits the choice of representatives to select bodies of men of such limited numbers, as renders them an easy prey to the artful, or a ready purchase to the wealthy.

That, the right of voting is regulated by no uniform or rational principle respecting either property or condition. That from the caprice with which it has been varied, and the obscurity in which it has become involved by time and contradictory decisions, it is a source of infinite confusion, litigation, and expence.

That, the manner in which elections are conducted is disgraceful to the name of free election. That it is inconvenient to the elector, and ruinous to the candidate. That it is a scourge to the honest and peaceable, and a harvest to the dissolute and corrupt.

That, the power given to returning officers, too often, (except in counties) men of extreme ignorance, or known depravity, added to the delay of the House of Commons in attending to the petitions for redress, frequently deprives the electors of their true representative for years.

That, the present system of election laws which professes to qualify a man for Parliament who possesses three hundred pounds a year, is only calculated to insult the People with the shew of an independent choice, because, by its operation, it disables all, who have not incomes of at least as many thousands, from becoming candidates.

Lastly, *That*, the length of the duration of Parliaments, subjected to the will of the Crown, tends to make the representative independent of the constituent, to render

him

him submissive to the commands of those in power, and to disturb "that happy union and good agreement between the King and the People," which, by our ancestors at the Revolution, was so constitutionally asserted to arise "from frequent and new election."

OF PRIVATE PATRONAGE, AND THE INFLUENCE POSSESSED BY PEERS AND COMMONERS.

YOUR COMMITTEE having explained the nature of the representation considered with respect to its separate and distinct parts, having shewn the defective and inconvenient materials of which it is composed, and pointed out the difficulties thereby thrown in the way of the fair elector and the independent candidate, come now to investigate the operation of the whole, and to examine and report what is the general result as it affects the security of the Constitution, and the liberties of the country at large.

Your Committee are aware, that, in speaking upon this head, they are about to enter on a subject which they might easily discover many inducements to pass over in silence; but they feel they have undertaken a public duty of an importance which precludes all idea of listening to any private considerations, and they eagerly embrace the opportunity of proving their sincerity in the cause of the people, by a full, an explicit, and an impartial statement.

To this line of conduct, even if they were not urged by principle, they would be compelled by motives of regard for the character of that Society to which they have the honor to belong. Such unprecedented pains have been taken to discredit the intentions with which you have professed to act; such high and unexpected authorities have been exerted to hold you up rather as enemies than

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the Friends of the People, that your Committee conceive it their duty, to enable you to join issue with your calumniators, and, prepared with every evidence the cause requires, to appeal to the sober judgment of the country.

YOUR Committee report, that the gross defects and abuses which, under the preceding heads, they have proved to exist in the present mode of representation, have established A SYSTEM OF PRIVATE PATRONAGE, which renders the condition of the House of Commons *practically* as follows:

71	Peers and the Treasury nominate	90
	Procure the return of	57
		—
	Patronage of 71 Peers and the Treasury	167
91	Commoners nominate	82
	Procure the return of	57
		—
	Patronage of 91 Commoners	139
		—
162	return	306 out of 513 Members.

This statement your Committee are aware will create considerable surprize; and as many may be taught to doubt its accuracy, they have thought it necessary to explain the nature of their calculation, and on what it is founded, in such a manner, as that every man may be enabled to correct their errors, if they have erred, or to convince himself of the truth of what they have asserted.

With this view they have given the names of the different Patrons, and are happy that those names are of too respectable a description to afford the most remote suspicion that any invidious motives have produced the mention of them.

The Patronage your Committee have divided under two heads—*Nomination*, and *Influence*; and attributed it to distinct persons, under the descriptions of *Peers* and *Commoners*.

With respect to this first division, your Committee desire to have it understood, that,

By a *nomination*, they would describe that *absolute authority in a borough which enables the patron to command the return*. The number of places set down in this class might, your

your Committee have every reason to believe, be with strict propriety considerably increased, but from a wish to avoid all cavil, they have confined themselves to such boroughs as are under undoubted controul. These, in general, are the private property of the patrons, or have the right of voting vested in a small corporate body, the majority of whom are his immediate dependents.

By *Influence*, your Committee would describe that degree of weight acquired in a particular county, city, or borough, which accustoms the electors on all vacancies to expect the recommendation of a candidate by the patron, and induces them, either from fear, from private interest, or from incapacity to oppose, because he is so recommended, to adopt him.

This distinction between Nominations and Influence has appeared necessary for several reasons. It is true that the effect of both is nearly alike, but still it might seem improper to speak of them in the same terms. The representation of *Old Sarum* and of *Chester* could not, for instance, without much offence, be classed under the same head, and there are many other places, where, though the will of the patron is constantly complied with, it would, perhaps, seem too harsh a phrase to say that he can command.

On the subject of the *counties*, which are stated to be under influence, your Committee are especially anxious to say a words or two in explanation.

THEY would be sorry that, owing to any misapprehension, it should be conceived that in every instance where they use the word *influence*, an injurious sense should be annexed to it. Property, they well know, will always have a considerable operation, nor is it meant to insinuate that, because there is said to be influence, corruption must necessarily be supposed to exist. Where fortune enables, and disposition induces a man to discharge the friendly offices of neighbourhood and connection with zeal and liberality, your Committee would be deeply concerned to be suspected of a wish to arraign, or in any manner decry the extensive and honorable attachment which such a line of conduct must, and ought to procure.

Property may however obtain a degree of weight beyond what is natural to it. It may be enabled to excite fear as well as to procure respect; and without purchasing

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Property may however obtain a degree of weight beyond what is natural to it. It may be enabled to excite fear as well as to procure respect; and without purchasing

chasing a majority, or controuling its dependents, it may acquire such power as to overcome and bear down all opposition.

Precisely this species of power is thrown into the hands the wealthy, by the system on which, at this day, elections are conducted. It confines the choice of the electors within the ranks of opulence, because, though it cannot make riches the sole object of their affection and confidence, it can and does throw obstacles almost insurmountable in the way of every man who is not rich, and thereby secures to a select few the capability of becoming candidates.

This monopoly has not however been obtained without many and vigorous struggles, but it has unfortunately happened that resistance has but served but tighten the cord. Contests have been found to be attended with such extravagance, party heat, tumult, expence, and litigation, and the dreadful effects of these have spread so wide, and endured so long, that, on the prospect of a vacancy, more consideration is now bestowed to contrive the means of preserving the peace of the county, (the phrase used on these occasions) than to secure its freedom and independence.

The measures adopted for this preservation of the peace are different in different counties; in all, however, they are founded on some sort of COMPROMISE, by which a sacrifice is made of at least one half of the Freeholder's Franchise.

County Elections may be said to be, in general, contested, either by two political parties, or by two great families, or by a great family and the gentry. In all these cases the expedient usually had recourse to, to prevent the consequences of a struggle, is, for each of the contending interests to name one member.

Where political Parties alone are concerned, it cannot indeed be said that such an arrangement comes under the head of influence or patronage, because in truth it's only operation is entirely to strike out of the representation the county compromised, but where the concessions are made from one great family to another, or from the gentry to a great family, as is often avowedly the case, can there be a question as to the situation in which at least one of the members returned by every county, so circumstanced, is placed?

placed? Does he not owe his seat to a patron? and is it in the power of the mass of the freeholders to break the combinations thus formed against them, unless they shall have the very peculiar good fortune to find a man, who, with principles sufficiently independent to set him above the fear of offending those in power, is ready to incur the fatigues, and able to defray the enormous expence of a contest, conducted upon the gross system of abuse which has been explained by your Committee in the former part of their Report?

Much of what has here been said respecting the causes which contribute to bring the representation of counties within the reach of a patron's influence, applies to populous cities, and great towns: but in those there is also the additional influence to be stated which is obtained through the medium of the returning officer. From the strictest enquiries your Committee have been able to make, they are convinced, that in nine corporate towns out of ten, *one member, at least, is returned by the select body.* Of the fact they curious may easily inform themselves; but let it be remembered that, if it should be ascertained, the sole question will then be, who influences the select body?

It would have been an endless task to have discussed all the information your Committee have received respecting the probability of alterations in the state of the patronage at the next election, and as the whole of these suggestion are built on speculation, and whether well grounded or otherwise, *only change the name of the patron,* they have thought it best to confine themselves to what appears to have been the state of the various interests at the *last general election.*

With respect to the *influence of the treasury,* your Committee apprehend that it will occasion much surprize to find it apparently so limited, but it must be observed, that this is not a species of influence subject to any direct proof, and therefore your Committee have, wherever they could, avoided the mention of it, by inserting the name of the ostensible patron, even where he openly holds a place during pleasure under government.

The sources whence the influence of the Treasury is derived in the five towns mentioned in the table, your Committee apprehend to be too notorious to require any explanation.

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With regard to the distinction respecting *Peers* and *Commoners*, your Committee beg to be understood as having made it, because they have thought it their duty to point out the extent of an interference, which the House of Commons has uniformly declared to be unconstitutional.

At the commencement of every session, the following resolutions, are entered on the journals.

Resolved, " That no peer of this realm hath any right " to give his vote in the election of any member to serve " in Parliament."

Resolved, " That it is a high infringement upon the " liberties and privileges of the Commons of Great Bri- " tain, for any Lord of Parliament, or any Lord Lieu- " tenant of any county, to concern themselves in the " elections of members to serve for the Commons in Par- " liament."

Your Committee have been the more disposed to take notice of these resolutions, because the power of the House of Lords, in matters of election, has been prodigiously increased within the last ten years by the creation of NINE PEERS, who return, by nomination and influence, no less than TWENTY-FOUR MEMBERS to the House of Commons. If, therefore, the interference of the Lords in the elections of the Commons be, as the latter uniformly declare, a high infringement of their liberties and privileges, your Committee must report those liberties and privileges to have been of late subject to the most alarming and frequent attacks.

Your Committee have thus endeavoured to explain the nature of the distinctions they have made respecting the patronage of the different places. Subject to these observations they proceed to lay before you the following table, and will only add the most solemn assurance, that it is to the best of their knowledge, a true and unexaggerated statement. If in any instance they have erred by attributing a patronage to any nobleman or gentleman of which he is not possessed, let it be considered whether, in correcting the mistake, you can do more than *erase one name for the purpose of inserting another*, which, as no party suggestions ought here to have weight, cannot make any substantial difference. The object of your Committee is not to shew that this or that particular set of men have obtained the command of the representation, but to prove that

that the *People have lost it*: If, therefore, they shall even have committed such an error as to have put down any place in the table which is not only uninfluenced by the patron there named, but also uninfluenced by any single patron whatever, let it be examined, whether such place do not come under the description of being *comprised by political parties*; if so, it is equally taken away from the service of the People, though it cannot be said to be given to the controul of an individual.

PATRONAGE OF PEERS.

NAMES of PATRONS. NOMINATIONS.		INFLUENCE.	
Earl of Lonsdale nominates	1 for Appleby 2 - Cockermouth 2 - Haslemere	influences	2 for Westmorland
Lord Mount Edgecumbe	1 - Bolsover 2 - Leftwichel 2 - Plympton 2 - Liskeard 2 - Grampound 2 - St. Germain's	-	1 Fowey
Lord Elliott	2 - Boroughbridge 2 - Aldborough 2 - Buckingham 2 - St. Mawes	1 Newark 1 East Retford 1 Buckinghamshire 1 Aylebury	6
Duke of Newcastle	2 - Marlborough 2 - Great Bedwin	-	6
Marquis of Buckingham	2 - Launceston 2 - Newport (C.)	-	6
Lord Aylebury	2 - Woodstock 1 - Heytesbury	1 Oxfordshire 1 Oxford	4
Earl Fitzwilliam	2 - Malton 1 - Higham Fer.	2 Peterborough	4
Marquis of Lansdowne	2 - Caine	2 Wycombe	4
Lord Sydney	1 - Whitchurch	2 Luderhall	3
Duke of Devonshire	2 - Knaresborough	1 Derbyshire 1 Derby	4
Duke of Bedford	2 - Tavistock	1 Bedfordshire 1 Oakhampton	4
Marquis of Stafford	-	1 Staffordshire 1 Litchfield	4
Lord Hertford	2 - Orford	-	2
Lord Abingdon	2 - Westbury	-	2
Duke of Norfolk	-	-	1
Duke of Rutland	2 - Bramber	1 Arundel 1 Grantham 1 Scarbro'	4
Duke of Richmond	-	1 Newark 1 Chichester	2
Lord Radnor	2 - Downton	1 Seaford 1 New Sarum	3
Duke of Beaufort	-	1 Monmouthshire 1 Monmouth	3
Lord Sandwich	-	1 Gloucestershire 1 Huntingd.	3
Marquis of Bath	2 - Weobly	1 Huntingdon	2
Lord Egremont	2 - Midhurst	-	2
Lord Westmoreland	2 - Lyme Regis	-	2
Lord Cornwallis	2 - Eye	-	2
Duke of Grafton	-	1 Bury 1 Thetford	2
Duke of Dorset	2 - Grinstead	-	2
Duke of Bridgewater	2 - Brackley	-	2
Lord Beverly	2 - Bernalston	-	2
Num. of Peers Patrons 30		influence 36	Total 104
Nominate	66		NAMES

NAMES of PATRONS.	NOMINATIONS.	INFLUENCE.	Total Members returned by Peers.
Brought forward 30	66	Brought forward 36	104
Lord Camelford	2 - Old Sarum	1 - Worcestershire	2
Lord Foley	2 - Droitwich	1 - Cardiff	3
Lord Bute	1 - Boffiney	1 - Andover	2
Lord Portsmouth	-		1
Lord Orford	1 - Castle Riding		1
Lord Malmesbury	1 - Christchurch		2
Lord Hardwicke	1 - Ryegate	1 - Cambridgeshire	1
Lord Somers	1 - Ryegate		2
Lord Townshend	1 - Tamworth		2
Lord Harrowby	2 - Tiverton		1
Lord Darlington	1 - Winchelsea		2
Lord Bulkeley	1 - Beaumaris		1
Lord Powis	1 - Montgomery		1
Duke of Bolton	-	1 Totness	1
Lord Spencer	-	{ 1 Oakhampton	2
Lord Falmouth	2 - Truro	{ 1 St. Alban's	
Lord Thanet	1 - Appleby		
Lord Guildford	1 - Bambury		
Lord Camden	-	1 Bath	1
Lord Poulett	-	2 Bridgewater	2
Lord Grosvenor	-	2 Chester	2
Lord Bathurst	-	1 Cirencester	1
Lord Shaftesbury	-	1 Dorchester	1
Lord Berkeley	-	1 Gloucestershire	1
Lord Brownlow	-	1 Grantham	1
Lord Pembroke	2 - Wilton		2
Lord Oxford	-	{ 1 Radnorshire	2
Duke of Manchester	-	{ 1 New Radnor	
Lord Pelham	-	1 Huntingdonshire	1
Duke of Portland	-	1 Lewes	1
Lord Uxbridge	1 - Milbourne Port	{ 1 Nottinghamshire	1
Lord Exeter	-	{ 1 Anglesea	3
Lord Warwick	-	{ 1 Carnarvon	
Lord Petre	-	2 Stamford	1
Lord Clarendon	-	2 Warwick	2
Lord Bolingbroke	-	1 Thetford	1
Lord Carlisle	-	1 Wootten Bassett	1
Lord Onslow	-	1 Wootten Bassett	1
Lord Walpole	-	2 Morpeth	2
Lord Grimston	-	1 Guildford	1
Duke of Leeds	-	1 Lynn	1
	-	1 St. Albans	1
	-	1 Penryn	1
Numb. of Peers Patrons 71	nominates 88	Influence 72	Total 163
The Treasury nominate 2 for Queenborough	influence 1 for Dover		1
Ditto	1 - Rochester		1
Ditto	1 - Plymouth		1
Ditto	2 - Windsor		2
71 Peers & the Treas. nomin. go	influence 77	Total 169	
		PATRONAGE	

PATRONAGE of COMMONERS.

NAMES of PATRONS.	NOMINATIONS.	INFLUENCE.	Total members returned by Commoners
Wm. Drake, esq. nominates	2 for Agmondeham influences	1 for Ludlow	2
Lord Clive	2 for Bishops Castle	—	3
Rev. Mr. Holmes	{ 2 for Newpor (Ha.) 1 for Yarmouth (Ha.) }	—	3
Sir J. St. Aubyn, bart.	1 for Helstone	—	1
— Rogers, esq.	1 for Helstone	—	1
W. Pultney, esq.	—	{ 4 for Weymouth, &c 1 for Shrewsbury }	5
R. Barwell, esq.	{ 2 for Tregony 1 for Winchelsea }	—	3
P. C. Crespiigny, esq.	2 for Aldborough (Suffolk)	—	3
— Trefusis, esq.	{ 2 for Callington 1 for Ashburton }	—	3
Sir H. Bridgman, bart.	—	{ 1 for Wenlock 1 for Wigan }	2
J. Buller, esq.	{ 2 for Saltafh 2 for West Looe }	—	4
— Buller, esq.	2 for East Looe	—	2
Sir Francis Buller, bart.	—	1 for Totnes	1
Sir R. Clayton, Bart.	2 for Blechingly	—	2
Sir T. Dundas, Bart.	2 for Richmond	—	2
Sir E. Deering, Bart.	2 for Romney	—	2
Sir T. Frankland, Bart.	2 for Thirke	—	2
Sir H. Burrard, Bart.	2 for Lymington	—	2
Sir H. Calthorpe, Bart	1 for Bamber	—	2
Sir F. Baslet, Bart.	—	{ 1 for Hindon 1 for St. Michael's 1 for Penryn }	3
Sir J. Honeywood, Bart.	2 for Steyning	—	2
Sir F. Sykes, Bart.	—	2 for Wallingford	2
Sir J. Vanneck, Bart.	1 for Dunwich	—	1
Sir F. Barrington, Bart.	1 for Newtown (Hants)	—	1
Sir R. Worley, Bart.	1 for Newtown (Hants)	—	1
Sir C. Hawkins, Bart.	—	1 for St. Michael's	1
Sir R. Palke, Bart.	1 for Ashburton	—	1
Sir G. Yonge, Bart.	—	1 for Honiton	1
Sir C. Davers, Bart.	—	1 for Bury	1
Sir S. Fludyer, Bart.	—	1 for Chippenham	1
Sir W. W. Wynne, Bart.	—	1 for Denbighshire	1
Lord Wettcote	1 for Bewdley	—	1
Lord Middleton	1 for Whitchurch	—	1
Sir C. Gould Morgan	—	1 for Brecon	1
W. Joliffe, Esq.	2 for Petersfield	—	2
J. Robinson, Esq.	2 for Harwich	—	2
— Wilkins, Esq.	2 for Malmesbury	—	2
R. Troward, Esq.	2 for Ilchester	—	2
W. Praed, Esq.	—	2 for St. Ives	2
T. P. Leigh, Esq.	2 for Newtown (Lancashire)	—	2
W. C. Meddlycott, Esq.	1 for Milbourne Port	—	1

NAMEs of PATRONS.	NOMINATIONS.	INFLUENCE.	Total members returned by commoners
Brought forward 41	53	22	75
J. Calcraft, Esq. nominates	2 for Wareham	influences	2
J. B. Church, Esq.	2 for Wendover	—	2
Lady Irwin	2 for Horsham	—	2
Mrs. Allanson	2 for Rippon	—	2
Sir Jonathan Phillips	2 for Camelford	—	2
Thomas Lister, Esq.	1 for Clitheroe	—	1
P. A. Curzon, Esq.	1 for Clitheroe	—	1
John Mortlock, Esq.	—	2 for Cambridge Town	2
C. Anderson Petham, Esq.	—	2 for Grimby	2
J. F. Luttrell, Esq.	—	2 for Minehead	2
B. Barne, Esq.	1 for Dunwich	—	1
J. Bond, Esq.	1 for Corfe Castle	—	1
H. Bankes, Esq.	1 for Corfe Castle	—	1
E. Lascelles, Esq.	1 for Northallerton	—	1
H. Pierce, Esq.	1 for Northallerton	—	1
R. Ladroke, Esq.	1 for Gattan	—	1
W. Currie, Esq.	1 for Gattan	—	1
W. P. Ashe A'Court, Esq.	1 for Heytesbury	—	1
R. Howard, Esq.	1 for Castle Rising	—	1
George Hunt, Esq.	1 for Bodmin	—	1
Lord Milford	—	1 for Haverfordwest	1
C. Forester, Esq.	—	1 for Wenlock	1
J. C. Jervoise, Esq.	1 for Yarmouth (Hants)	—	1
C. Sturt, Esq.	—	1 for Bridport	1
G. Rose, Esq.	1 for Christchurch	—	1
W. Evelyn, Esq.	—	1 for Hythe	1
St. C. F. Radcliffe, Esq.	—	1 for Hythe	1
T. W. Coke, Esq.	—	1 for Derby	1
T. Anson, Esq.	—	1 for Litchfield	1
W. Lee Antoine, Esq.	—	1 for Marlow	1
T. Williams, Esq.	—	1 for Marlow	1
R. Middleton, Esq.	—	1 for Denbigh	1
Philip Rastleigh, Esq.	—	1 for Fowey	1
C. Tudway, Esq.	—	1 for Wells	1
J. Dawkins, Esq.	—	1 for Chippenham	1
H. Penton, Esq.	—	1 for Winchester	1
R. Peel, Esq.	1 for Tamworth	—	1
James Sutton, Esq.	—	2 for Devizes	2
— Whitaker, Esq.	—	2 for Shaftesbury	2
Sir P. Burrel, Bart.	—	1 for Boston	1
Jof. Iremonger, Esq.	—	1 for Andover	1
W. Beckord, Esq.	—	1 for Hindon	1
Sir J. Carter	—	2 for Portsmouth	2
E. Baftard, Esq.	—	2 for Dartmouth	2
Edward Milward, Esq.	2 for Hastings	—	2
Thomas Lamb, Esq.	2 for Rye	—	2
P. Stephens, Esq.	—	1 for Sandwich	1
Lord Mulgrave	—	1 for Scarbro	1
R. Gamon, Esq.	—	1 for Winchester	1
Right Hon. T. Harley	—	1 for Leominster	1
Commoners 91 nominate 82	—	57	Total 139

In the preceding table your Committee have in some places stated only *one member* to be returned by influence. The following is the list of those places, exclusive of the counties represented in a similar manner :

Aylesbury,	Lewes,	Guildford,	Retford,
Chichester,	Arundel,	Dorchester,	Bridport
Lynn,	Plymouth	Seaford	Shrewsbury
Wells,	Boston,	Bath,	Honiton
Cirencester,	Ludlow,	Leominster,	Rochester.
Dover,	Oxford,	Sandwich,	Salisbury,
Bodmin			

Your Committee not being able to procure any authentic information respecting the disposition of the *second vote* in these places, have forborn to make any estimate of it. In a few instances (most probably in all the counties) there is reason to believe that it is exercised with a proper spirit of independence; but in general it can hardly be supposed that those who obsequiously surrender one half of their privileges, will be very scrupulous in the disposal of what remains.

The following boroughs, viz. *Stockbridge*, *Heydon*, and *Barnstaple*, though under the management of no particular patron, must not however be passed over in silence. The number of voters in them all does not amount to 500; and though your Committee do not think it prudent to state the sort of influence which they are informed has most weight in these places, they conceive it right to mention their names separately, that others may determine how far the members they contribute, might with propriety be added to the list of those, with whose return to parliament the unbiased suffrages of the people have little or no concern.

It remains only to say a few words on the number of places compromised by political parties.

It has been before observed, that these arrangements are made frequent by the intolerable expence attending contests, to avoid which an expedient is adopted, which, in its operation, effectually destroys every principle of representation. Your Committee here speak of those *compromises* which take place between *political parties*, and which are very distinct from

from those *between two contending patrons, or a patron and the electors.* In the latter cases, the compromise relates to men, in the former, to measures. It is not impossible but that those who are *returned by the influence of a patron,* may, (though not the organ through which the electors might wish to speak) in delivering their own, deliver the sentiments of the electors, but those who are *returned by a compromise of parties,* must, to be faithful to their separate trusts, counteract the political consequence of each other, and deprive the borough that sends them to Parliament, of all parliamentary weight. When two gentlemen honestly and conscientiously profess principles diametrically opposite, (for your Committee are persuaded that each of the members of the places in question is honorably attached to his party, by the conviction that such attachment is beneficial to his country) can it be said that the Borough which is represented by both of them, is represented for the purposes of more than a turnpike, or a paving bill. Will it be contended that such a choice can arise from any other cause than *a dread of the consequences that would attend any attempt to ascertain the real sentiments of the majority of the electors?* Or can it be believed that men *voluntarily* make a sacrifice of one half of their franchise, and that too in such a way as to render the half they retain of no value?

Let it not be thought that your Committee wish to cast any imputation on the electors who submit to these compromises. They do not merit any, for, in truth, they adopt them on compulsion; neither, while such a majority is returned in the manner that has been shewn, is it of any material consequence how or by whom the minority is elected. It has been asked, why *Manchester, Birmingham,* and other populous places, do not petition for leave to send Members to Parliament, and their silence has, by the enemies to Reform, been construed into an argument in favor of the present state of the representation; but surely these *compromises* afford at once a satisfactory answer, when it is seen that the mode of conducting elections is such, as makes *Newcastle, Bristol, &c.* more anxious to wave than to exercise their privileges.

The following is a list of the places compromised by political parties—*Newcastle upon Tyne—Bristol—Cheshire*

shire—Essex—York—Westminster—Leicester—Maldon—
—Lancashire—Gloucester—Preston—Cumberland—
Herefordshire—and Suffex.

It only remains for your Committee to give the grand
result of their whole enquiries, and which, if the facts on
which they have relied shall be found to have been well
grounded, will appear in the following

GENERAL

GENERAL STATEMENT.

71	Peers, and the Treasury, return	167
91	Commoners return	139
162	Peers and Commoners, with the Treasury, return	306
100	Electors at Poole, return	2
102	Stockbridge	2
190	Heydon	2
250	Barnstaple	2
200	Wigan	1
54	Salisbury	1
36	Bodmyn	1
160	Plymouth	1
200	Boston	2
83	Seaford	1
32	Bath	1
112	E. Retford	1
180	Bridport	1
120	Guildford	1
240	Lewes	1
190	Arundel	1
200	Dorchester	1
17	Boroughs, not containing, on an average, 150 voters each, return	21
2611	Persons, return to serve in Parliament,	Members 327

To these 327 add 28, who are returned by *compromises*, and it will appear, in what manner such a number of the Members of the House of Commons is elected, as constitutes a MAJORITY of no less than ONE HUNDRED AND NINETY-SEVEN of the Representatives of England and Wales.

* Where only *one* Member is stated to be returned, it is to be understood that the other has been accounted for under the head of Patronage.

1948-1950

REPORT OF THE COMMITTEE
OF THE
FRIENDS OF THE PEOPLE,
ASSOCIATED FOR THE PURPOSE OF OBTAINING
A REFORM OF PARLIAMENT,
APPOINTED to examine into the STATE of the
REPRESENTATION of SCOTLAND.

BEFORE your Committee proceeds to the consideration of the important objects to which they conceive you chiefly intended to direct their attention, it may not be improper to mention a sort of Representation which is peculiar to North Britain; which has an irresistible tendency to give to the Crown an undue influence in the House of Lords, and which by a more silent, but not less effectual operation, contributes equally to the same end in the other House of Parliament.

At the Union of the two kingdoms, in the beginning of this century, the Peers of Scotland surrendered their hereditary right to seats in Parliament; and were limited to an Elective Representation by sixteen of their number. It is not the intention of your Committee to enter at large into the history of their elections; it is sufficient to state, that it is universally known, that, ever since the Union, they have been considerably influenced by the Ministers of the Crown; which species of patronage has given them an undue preponderance in the popular branch

of the Legislature, by means which will be afterwards explained.

Your Committee having thus slightly touched on the state of the Scottish Peerage, and only as it has a reference to their immediate object; they will now endeavour to fulfil their duty, by presenting to the Society a true and impartial account of the Representation of the People of Scotland in the House of Commons.

They will first establish, as they think incontrovertibly,

1. That the Constitution of the Scottish Parliament was originally popular and free.
2. That many laws, which have been enacted for the regulation of Elections, bear evident marks of the combined efforts of the Crown and the Aristocracy, to narrow the Rights of Election.
3. That each of these laws deprived the people of some Right formerly enjoyed and exercised.
4. That, by various fictions of law, contrary to the spirit of the British Constitution, the Right of Election of Members to serve in Parliament has been transferred from those to whom it justly and naturally belonged, to others, who had no right whatsoever.
5. That these grievances have been long and severely felt by the People; that they have been often complained of; and that various statutes for their remedy have been vainly enacted and successfully eluded.
6. That the system of Representation in Scotland is now so confined and defective, that it has become a mere mockery upon the name or idea.

Although the Counties, Cities, and Burghs labour under the same Constitutional grievance, and suffer equally from the gradual deterioration of their ancient condition, it will be necessary to consider their history separately,

on account of the different modes in which their Rights have been circumscribed, usurped, or destroyed.

C O U N T I E S.

By the Constitution of Scotland, the Parliament being the King's Court Baron, or *Curia Regis*, he could summon all his immediate tenants to attend him there. In these remote times, service in Parliament was not considered as a profitable privilege, but as a burdensome duty; and, in the beginning of the fifteenth century, the system of Representation was introduced for the ease and benefit of the vassals or tenants. Yet, until near the end of the sixteenth century, every freeholder or tenant of the Crown was entitled to vote at Elections, however small his property might be, which sufficiently proves the ancient popularity and freedom of the institution.

In the reign of James the Sixth of Scotland, and First of England, (a monarch who was not distinguished by too great an attachment to the liberty of mankind) the right of voting was first restricted to freeholders possessing lands of forty shillings, of what was called "Old Extent;" that is of lands which were so rated in the cess or county books about the end of the thirteenth, or beginning of the fourteenth century. Your Committee wish you to observe, that this was a great and fatal blow to popular Election; for though forty shillings was made, as in England, the nominal standard of a vote, yet by carrying it back to a rate or valuation made three hundred years before, the value of money having considerably fallen, the extent of the qualification required was very much raised.—And this circumstance points out the efficient cause of the enormous difference which subsists between England and Scotland with regard to the freedom and popularity of Election in the Counties. In England, the qualification has been allowed to keep pace with the decreasing value of money, and has therefore been extended to greater numbers of Electors. In Scotland, by the limitations to the rates and valuations of very remote periods, the right of voting has been confined

fined to the possessors of very considerable estates, and the number of Electors has been very much diminished.

Had the Scottish Kings and Nobles stopped at this point, the evil might have been endured: but they proceeded vigorously in their career of encroachment. In the reign of Charles the Second it was enacted, that were the right of voting on an old forty shillings land could not be proved, which had become difficult, then to be enabled to vote, it should be necessary to be infest in, or seized of an estate, valued in the same reign at 400l. Scots annual rent. It is proper here to mention, that at this day, by the nearest average which can be made over the whole kingdom, the rent of those lands, which are valued at forty shillings "Old Extent," is from 70l. to 130l. sterling; and the rent of the lands valued in the reign of Charles the Second at 400l. Scots, is now about 400l. sterling, so that this King more than tripled the qualification required of the greatest part of the kingdom, by substituting lands, worth 400l. instead of those worth 100 or 130l.

Even this infringement was not thought enough; under George the Second the modes of proving the existence of those old Forty Shilling Votes, were rendered more difficult, by details with which your Committee will not trouble you; they will only state that by these regulations many of those votes have disappeared, and that very few of them now remain.

Hitherto your Committee have confined themselves to the statement of those evils which arise from the magnitude of the qualifications required in Electors, and their consequent Paucity: they have yet supposed that this precious right is exercised only by the real proprietors of the soil, under certain grievious and improper limitations; but they are now to describe mischiefs of another nature, which have been suffered to grow up, which have been fondly fostered in the bosom of kingly and aristocratic power; and which have totally perverted and completely overturned the real representation of the Counties.

By the Act of Charles II. 1681, the foundation was laid for the intolerable abuses which now exist, and which certainly were never contemplated or foreseen by that

that Parliament. It was then enacted, that the right of voting should be in persons publickly infest in *property* or *superiority* of lands of forty shillings old extent, or £400 Scots valued rent; thus making the distinction and drawing the line between *property* and *superiority*. It is necessary to explain this term of *superiority*, because from an abuse of it, the principal grievances in the elections for Knights of the Shire in Scotland have arisen.

The feudal law supposes the King to be the sole proprietor of all the lands in the kingdom: from him his vassals hold by charter; in like manner his vassals may grant lands to be held from them by charter; these sub-vassals may repeat the same operation *ad infinitum*; but the original or *immediate* vassal of the king has the sole right of voting or being elected to serve in Parliament. From this system the following consequences have flowed:

I. Proprietors of estates, of whatsoever value, who hold from a subject, are not entitled to vote or to be elected. It is computed, that in several Counties nearly one half of the lands are held in this manner from subjects superior: over the whole kingdom it is believed that one fifth of the lands are so held; therefore the proprietors of one fifth of the landed property, as far as that property operates, are deprived of any voice in the choosing their Representatives.

II. In this class of landholders, so excluded from this invaluable franchise, are men of estates worth from £500 to £2000 per annum; but what is more to be lamented, it comprehends the best and most virtuous parts of the community, namely, the middling and smaller gentry, and the industrious yeomen and farmers who have inherited or acquired some landed property.

III. Many persons without the smallest interest in the land possess the right of voting and of being elected.

IV. It is a principle in the constitution, that no man shall have more than one vote in the same county in his own person; and it is another principle, that no Peer of the realm shall have any vote at all in the election of Members to serve in the House of Commons.

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By an ingenious device of the lawyers, these two fundamental principles have been eluded: When a person of great property wishes to multiply his votes, he surrenders his charter to the Crown; he appoints a number of confidential friends, to whom the Crown parcels out his estate in lots of £400 Scots valued rent: then he takes charters from these friends for the real property; thus leaving them apparently the immediate tenants of the Crown, and consequently all entitled to vote or to be elected. This operation is equally open to Peers and great Commoners, who have availed themselves of it accordingly; the Peers thus acquiring an influence from which they are excluded by the spirit and forms of the Constitution; and the great Commoners extending and multiplying a right in an undue and fraudulent manner—thereby depreciating or extinguishing the franchises of the smaller proprietors, with great and manifest prejudice to the general liberty of the country.

This legal fraud began in this century, and has been chiefly practised during the present reign; it therefore derives no shelter or sanction from custom, which the folly of men allows to cover a multitude of glaring abuses. Your Committee will not dwell on the various modes by which it has been performed: they will briefly state, that the common methods have been by Life Rent, Charters, Charters on Wadset or Mortgage, and Charters in Fee.

The Legislature has not been blind to these mischievous innovations; nor has it been inactive in endeavouring to resist and prevent them. It has admitted, that these delusive surrenders of Charters, and consequent creations of nominal and fictitious votes, are fraudulent in fact and principle; and it has been decreed, that wherever they can be detected, they shall be illegal and void. Several laws have been passed for the prevention of such proceedings, and for the detection of such crimes. Oaths have been enacted to be taken by freeholders claiming to poll at elections, couched in the strongest terms, and providing as many guards as the zeal and wisdom of the Legislature could invent; but all these precautions have been constantly defeated by the

the ingenuity of the learned profession, who have always succeeded in finding salvos for weak consciences. Gentlemen of the fairest characters, nay clergymen, have been induced by subtle explanations, and the nicest verbal subterfuges, to take these oaths, contrary to the evident intendment of the Legislature, contrary to the received meaning and usage of our language, and in defiance of the general sense of their country.

Your Committee refer you to the acts, 12 Anne, cap. 6. and 7 Geo. II. cap. 18, not only for the terms of the oaths, but for the purpose and meaning of the laws.

The Court of Session in Scotland have been remarkably unfortunate in their endeavours to give effect to these laws. Being composed of fifteen judges, and the sentences being decided by the majority actually present, it has necessarily happened, that from the diversity of opinions naturally incident to mankind, the decisions of the court have frequently varied, according to the absence or attendance of the several Lords; and the same points at issue have often undergone very different and opposite determinations. Nor has the situation of the subject been much bettered by the Appeal to the House of Peers; for very contrary systems concerning these election laws have been maintained and carried into effect by the highest authorities in that final judicature. What was law one day, and under the direction of one Judge, was not law another day, and under another Judge: and thus from the double uncertainty of the manner in which the majorities on the Scottish Bench might decide, and of the varying opinions of the high legal characters in England, men have had no security, and have been doomed to suffer *incertum jus, summa injuria*. It may not be wrong to state, that not less than six hundred law-suits have taken place within these twenty years on this subject of County Elections, which with the attendant legal operations have cost above a million of pounds sterling.

The Parliamentary Representation of the Counties in Scotland has therefore, according to the expression of a Noble Lord high in the law, "completely slid from *“its basis.”*" Much undue influence has been acquired
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by the Crown, the Nobility, and the great Proprietors; the laws have been eluded and perverted; the number of Electors has been greatly diminished; and the Constitutional Rights of the subject have been invaded, usurped, or annihilated.

By Table, No. I, which is annexed, it will be seen, that, in two of the Counties, there are only three real voters in each; in seven, not more than ten: in all of them respectively very few. The total number of real voters in the whole is 1,390. Total of false, nominal and fictitious voters 1,201: and thirty-three Counties return only thirty members, six having only the right of sending a member to every second Parliament.

CITIES AND BURGHS.

BY the ancient and original Constitution of the Cities and Burghs, the Magistrates and Town Councils *were chosen by the* Resident Burgeses and Proprietors of houses and lands: this, however, was a state of freedom, too incompatible with the proud and narrow views of the Kings and Nobility, who constantly in hostility with each other, agreed in nothing but in degrading and oppressing the people. By an act passed in 1469, the Town Councils were invested with the power of electing their successors; and, in 1474, it was ordained that four persons of the Old should be annually chosen into the New Town Councils. By these laws, as far as they were effectual, the Burgeses and Inhabitants at large were disfranchised; they had no longer any controul over their magistrates; and the Corporations became self-elected juntas, totally separated in interest from their former Constituents and Fellow Citizens.

Every City or Burgh had certain estates in land, houses, fisheries, port duties, and other valuable sorts of property; the revenue arising from which was by their original Charters and Constitutions destined to be applied for the benefit of their Communities; but as soon as the Magistrates and Councils acquired the power of electing themselves in perpetuity, they administered, embezzled,

embezzled, and dilapidated these estates at their pleasure.

This subject is now before Parliament; and a great body of evidence has been compiled, which will soon be published, and which will throw very great light on the antient state of the Scottish Burghs. Your Committee, however, have thought proper to mention it as one great branch of the encroachment on former rights.

It is absolutely necessary to state, that these unjust acts of 1469 and 1474 have been so detested by the People, and so much resisted in practice, that they have never been completely executed in any one place: in many of the Burghs the Burgesses continued for a long period to elect their own Magistrates, and several Charters have been granted as low down as the end of the last century, conferring the Right of Election on the Burgesses. These acts, then, on which the present system is founded, have not the sanction derived from the submission, consent, or reverence of the People: and their repeal would not be an innovation, but a Restoration of antient rights and privileges.

If the Cities and Burghs had suffered in their common property only, by these tyrannical laws, they would have been comparatively fortunate; but as their Representatives in Parliament were to be chosen by the Magistrates, and Councils, when they lost the right of electing them, they lost all share in the choice of their Legislators; and, in this unhappy situation, they find themselves at this day.

At the Union, Edinburgh, being the capital, alone retained its right of sending one member to Parliament: all the other towns were thrown into districts of fours and fives, each district being allowed to send one member.—This induced a regulation, which still more sensibly wounded the freedom of Election. By it, every Burgh now elects a Delegate; these Delegates meet by rotation at each of the towns to elect the Representative. The place where they meet is called the presiding Burgh for that Election, and its Delegate has a casting vote in case of an equality of voices. The Burghs have no controul on their Delegates; they must trust entirely

to honour for the return of the person by whom they wish to be represented: and there *have* been instances where the Delegates have corruptly betrayed their trust, and have acted contrary to the desire and expectation of their Constituents.

Another evil, deeply felt by the great commercial towns, is their being classed with insignificant and obscure Burghs: among many instances of this it will be sufficient to mention Glasgow, which is known to be one of the most opulent trading cities of Great-Britain. Its number of Inhabitants exceeds 60,000; its Delegate is chosen by thirty-two persons, who are self-elected; and this Delegate has only one voice of four in the choice of a Member of Parliament, in common with the Delegates of three little towns, the inhabitants of which are not more than 2000.

By Table, No. II. it appears that of the fifteen Members for the Cities and Burghs, one for Edinburgh is chosen by thirty-three persons; the other by fourteen 65 Delegates, who are elected by 1220 persons.

The inhabitants of Scotland are supposed to be near two millions; their Representatives are chosen by 2643. Scotland sends forty-five members; a single county in England, namely Cornwall, sends forty-four.

Your Committee will now conclude: they have endeavoured to be as brief as possible, and to confine themselves strictly to the most material facts. Volumes might have been written on the matter which has presented itself to their observation: but they hope with deference to the judgment of the Society, that they have more truly executed the task which they undertook by compressing, than by expanding the subject.

2 NO 66

TABLE, &c. of Number of Electors in the Counties, &c.
No. I.

	1788.		1790.		Valued rent of each Shire of Scotland, Scots money.	
	Real.	Nom.	Real and Nominal.	Nominal.		
1 Aberdeen	-	-	82	96	158	235,665 8 11
2 Argyll	-	-	23	21	43	149,595 10 0
3 Ayr	-	-	86	119	220	191,605 0 7
4 Banff	-	-	19	103	108	79,200 0 0
5 Berwick	-	-	66	87	150	178,365 7 3
6 Dumbarton	-	-	15	51	65	33,327 19 0
7 Dumfries	-	-	34	11	49	237,941 3 4
8 Edinburgh, or Mid Lothian	-	-	83	10	96	191,054 3 9
9 Fife	-	-	153	32	188	362,584 7 5
10 Forfar, or Angus	-	-	71	24	92	171,519 15 7
11 Haddington, or East Lothian	-	-	61	13	76	168,878 5 10
12 Inverness	-	-	20	83	103	73,188. 9 0
13 Kincardine	-	-	46	6	55	74,921 1 0
14 Kirkcudbright	-	-	80	72	155	114,571 19 3
15 Lanerk	-	-	55	69	148	about 160,000 0 0
16 Linlithgow, or West Lothian	-	-	29	18	64	74,931 19 2
17 Moray, or Elgin	-	-	23	53	77	65,603 0 5
18 Orkney	-	-	18	21	40	56,551 9 1
19 Peebles	-	-	32	5	37	51,937 13. 10
20 Perth	-	-	128	19	145	about 335,000 0 0
21 Renfrew	-	-	32	82	128	68,076 15 2
22 Ross	-	-	46	33	72	75,040 10 3
23 Roxburgh	-	-	56	49	81	315,594 14 6
24 Selkirk	-	-	27	13	40	80,307 15 6
25 Stirling	-	-	46	30	59	108,518 8 9
26 Sutherland	-	-	8	23	36	26,193 9 9
27 Wigton	-	-	29	34	53	65,338 7 8
The following six Shires elected a Member alternately. At the last election the Shires of Caithness, Kinros, and Cromarty, returned a Member to Parliament. At the next election the Shires of Bute, Clackmannan, and Nairn, will re- turn a Member to Parliament; that is, Caithness alternately with Bute, Clackmannan with Kinros, and Nairn with Cromarty. At the last election in 1790,						
28 Caithness	-	-	10	11	22	37,256 2 10
29 Cromarty	-	-	3	6	6	12,897 2 8
33 Kinros	-	-	9	17	23	20,192 11 2
To return next election						
31 Bute	-	-	3	9	12	15,022 13 8
32 Clackmannan	-	-	5	11	16	26,482 10 10
30 Nairn	-	-	6	14	20	15,162 10 11
			1404	1235	2636	3,872,526 7 1

TABLE of the Number of Electors in the Royal Burghs.

No. II.

	Number of Town-Council, who chose each one Delegate.	Number of Dele- gates in each dis- trict who chose the Member of Parliament.		Number of Town-Council, who choose each one Delegate	Number of Dele- gates in each dis- trict who chose the Member of Parliament.
I. Edinburgh	City 33			IX. Stirling 21	
II. Dornock	15			Inverkeithing 15	
Wick	15			Dumfermline 26	5
Kirkwall	12		5	Culross 19	
Tain	23			Queensferry 21	
III. Fortrose	15			X. Rutherglen 19	
Inverness	21			Glasgow 32	4
Nairn	19			Renfrew 21	
Forres	17			Dumbarton 15	
IV. Elgin	17			XI. Jedburgh 25	
Banff	17			Dunbar 20	
Cullen	26		5	North Berwick 12	5
Kintore	9			Lauder 17	
Inverarie	9			Haddington 25	
V. Aberdeen	19			XII. Peebles 17	
Montrose	21			Lanark 27	4
Brechin	13		5	Selkirk 33	
Aberbrothock	19			Lanark 17	
Inverbervie	15			XIII. Dumfries 25	
VI. Perth	26			Kirkcudbright 17	
Dundee	29			Arman 21	
St. Andrews	29		5	Lochmaben 15	
Cupar	31			Sanquhar 17	
Forfar	19			XIV. Whithorn 19	
VII. Crail	21			New Galloway 20	4
Kilrenny	13			Stranraer 18	
Anstruther, W.	15		5	Wigtown 18	
Anstruther, E.	19			XV. Irvine 17	
Pittenweem	24			Rothsay 19	
VIII. Kinghorn	22			Inverary 13	5
Dyfant	24		4	Cambelltown 17	
Kirkaldy	21			Ayr 17	
Burntisland	22				
				1220	65

In Edinburgh 33 persons elect one Member of Parliament. In each of the other 14 districts, the respective Town Councils nominate one Delegate each, and by the majority of those Delegates in each district, the Member of Parliament is elected.

Thus in Edinburgh

In the other Districts, 1220 chose 33 persons elect - 1 Member.

So that ultimately in the Burghs 65 persons, who elect 14 Members.

So that ultimately in the Burghs 98 persons elect - 15 Members.

